

BEFORE THE  
DIVISION OF MEDICAL QUALITY  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation	)	
filed Against:	)	
	)	No. D-4836
MERLIN Z. HIDALGO, M.D.	)	
	)	
Physician and Surgeon	)	OAH No. N-41508
Certificate No. A-38777	)	
	)	
Respondent	)	

DECISION

The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the Division of Medical Quality of the Medical Board of California as its Decision in the above-entitled matter.

This Decision shall become effective on 3-5-93.  
IT IS SO ORDERED 2-5-93.

DIVISION OF MEDICAL QUALITY  
MEDICAL BOARD OF CALIFORNIA

By

Theresa L. Claassen  
THERESA CLAASSEN  
Secretary/Treasurer

BEFORE THE  
DIVISION OF MEDICAL QUALITY  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation	)	
Against:	)	No. D-4836
	)	
MERLIN Z. HIDALGO, M.D.,	)	OAH No. N-41508
	)	
Physician and Surgeon	)	
Certificate No. A38777	)	
	)	
	)	
Respondent.	)	

---

PROPOSED DECISION

On October 30, 1992, in Sacramento, California, M. Amanda Behe, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter.

Fred A. Slimp, Deputy Attorney General, represented the Medical Board of California.

Respondent filed a timely Notice of Defense to the Accusation pursuant to Government Code section 11506. The matter was set for an evidentiary hearing. Proper notice of the date, time and place of the hearing was provided to respondent pursuant to Government Code sections 11505 and 11509. Respondent did not appear at the hearing and was not otherwise represented. The matter was heard as a default, pursuant to Government Code section 11520.

Evidence was received, the record was closed and the matter was submitted.

## FINDINGS OF FACT

### I

Kenneth J. Wagstaff was the Executive Director of the Medical Board of California (hereinafter "the Board") and made and filed the Accusation in his official capacity.

### II

On July 19, 1982, the Board issued Physician and Surgeon Certificate No. A38777 to Merlin Z. Hidalgo, M.D., (hereinafter "respondent"). The certificate was in full force and effect at all times relevant to the Accusation and has been renewed through February 28, 1994.

### III

On October 13, 1989, respondent was convicted after a plea of guilty in New York Supreme Court to a sixty-five county indictment for Grand Larceny in the Second Degree, Unauthorized Practice of a Profession, and Offering a False Instrument for Filing in the First Degree. Respondent was placed on probation and ordered to perform community service and to make restitution in the amount of \$500,000.

Respondent forwarded his hearsay statements (Exhibit A) which in part seek to collaterally attack the final decision of the Court, and respondent's own guilty plea. The criminal convictions are final, and no collateral attack will be entertained.

### IV

On November 28, 1990, the New York Board for Professional Medical Conduct issued its "ORIGINAL VOTE AND ORDER" in a proceeding entitled "IN THE MATTER OF Merlin Z. Hidalgo, M.D., (PHYSICIAN)". In that proceeding respondent was represented by counsel.

The New York Board for Professional Medical Conduct found that respondent committed an act constituting a crime under New York State law as follows:

"On or about October 13, 1989, the Respondent was convicted after a plea of guilty in the Supreme Court of the State of New York, County of New York, of:

"(1) Grand Larceny in the Second Degree, a felony, in violation of Section 155.40 of the Penal Law, in that from on or about December 26, 1984, to on or about May 1, 1988, the Respondent stole from New York State and

certain of its fiscal agents, McAuto Systems Group, Inc. and Computer Sciences Corporation, by submitting numerous Medicaid claim forms which he knew contained false statements of consultations, medical care, services and supplies provided to Medicaid patients, in reliance upon which he was paid inappropriately in excess of \$700,000.

"(2) Unauthorized Practice of a Profession, a felony, in violation of Section 6512 of the Education Law, in that from on or about November 1, 1985 to on or about May 2, 1988, Respondent knowingly aided and abetted three and more unlicensed persons to practice medicine and employed and held out these unlicensed persons as being able to practice medicine.

"(1)-(65) Offering a False Instrument for Filing in the First Degree, 63 separate felony counts, in violation of Section 175.35 of the Penal Law, in that from on or about and between December 27, 1984 and March 21, 1988, the Respondent submitted Medicaid claim forms to the State of New York and its fiscal agents Computer Sciences Corporation and/or McAuto Systems Group, which forms Respondent knew would become part of the records of the State of New York and its agents, and which Respondent knew contained false statements and false information in that it was claimed on these forms that specialty consultations or certain medical care, services and supplies had been furnished to 46 Medicaid patients, which medical care, services and supplies Respondent knew had not been provided.

"On or about February 21, 1990, the Respondent was sentenced to five years probation on each count, to run concurrently, conditioned upon restitution of \$500,000 to be paid within one year and community service on weekends at a clinic that deals with AIDS patients, and \$100 penalty assessment."

The New York Board for Professional Medical Conduct revoked respondent's license, and stayed the revocation on various terms and conditions including that he be placed on probation for eight years, that he comply with the criminal probation, that he work under the supervision of another physician, and that he complete training regarding physician's assistants and other health personnel.

V

Respondent presented no competent, i.e. non-hearsay evidence in the instant proceeding before the Medical Board of California. Pursuant to Government Code section 11513(c) the

hearsay evidence presented in respondent's Exhibit A cannot alone support a finding.

In consequence, no competent evidence of rehabilitation or restitution was presented. No competent evidence established that respondent is in compliance with the terms of his criminal probation and/or the terms of his license probation.

Respondent's convictions are recent, serious, and display singular dishonesty. No evidence suggests that any penalty short of revocation of the license would protect the public from a recurrence of respondent's activities.

#### DETERMINATION OF ISSUES

##### I

Pursuant to Business and Professions Code section 2234, the Medical Board of California may take action against any licensee who is charged with unprofessional conduct.

Pursuant to Business and Professions Code section 2305, the revocation, suspension or other discipline by another state of a license or certificate to practice medicine issued by that state, or the revocation, suspension or restriction of the authority to practice medicine by any agency of the federal government constitutes grounds for disciplinary action for unprofessional conduct against a licensee.

Clear and convincing evidence to a reasonable certainty establishes cause for discipline of respondent's license pursuant to Business and Professions Code sections 2234 and 2305.

##### II

Shoenhair v. Commonwealth of Pennsylvania, et. al., (1983) 459 A.2d 877, supports the contention that a California licensing board may properly rely on out-of-state revocation of respondent's license as a basis for discipline in California. While Shoenhair is not binding in any California proceeding, the reasoning of the court based on facts similar to the instant case is persuasive.

In Shoenhair the court upheld the revocation of a nurse's license by the Pennsylvania State Board of Nurse Examiners (hereinafter "the Pennsylvania Board") pursuant to section 12(6) of the Pennsylvania Professional Nursing Law which provides that the Pennsylvania Board may suspend or revoke any license where "The licensee has his license suspended or revoked in another state, territory or country." The nurse's license had


previously been revoked by the Florida Board of Nursing. The nurse argued that the Florida proceeding violated her due process rights and that the decision of the Pennsylvania Board revoking her license based upon the faulty Florida proceeding violated due process and was unconstitutional. The court refused to permit a collateral attack upon the validity of the Florida proceeding as a basis for overturning the revocation by the Pennsylvania Board, noting that "since the Pennsylvania Board was acting on the fact of disciplinary action in another state rather than the underlying events leading to that action, the substance of the charges and the procedure utilized in their resolution must ... be considered immaterial." 459 A.2d at 879, quoting from Johnson v. State Board of Medical Education and Licensure (1980) 410 A.2d 103, at 106 (emphasis in original).

ORDER

The license issued to respondent Merlin Z. Hidalgo, M.D., is revoked.

Dated:

November 24, 1992

  
M. AMANDA BEHE  
Administrative Law Judge  
Office of Administrative Hearings

DANIEL E. LUNGREN, Attorney General  
of the State of California  
JANA L. TUTON  
Supervising Deputy Attorney General  
1515 K Street, Suite 511  
P.O. Box 944255  
Sacramento, California 94244-2550  
Telephone: (916) 324-5342

REDACTED

Attorneys for Complainant

BEFORE THE  
DIVISION OF MEDICAL QUALITY  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation  
Against:

NO. D-4836

MERLIN Z. HIDALGO, M.D.  
12 Astor Place  
Wesley Hills, NY 10952  
California Physician and Surgeon  
Certificate No. A38777

ACCUSATION

Respondent.

Kenneth J. Wagstaff, for causes for discipline,  
alleges:

1. Complainant Kenneth J. Wagstaff makes and files  
this accusation in his official capacity as Executive Director of  
the Medical Board of California (hereinafter referred to as the  
"Board").

2. On July 19, 1982, the Medical Board of California  
issued physician and surgeon certificate number A38777 to Merlin  
Z. Hidalgo, M.D.. The certificate was in full force and effect  
at all times pertinent herein and has been renewed through  
February 28, 1994.

1           3. Under Business and Professions Code section 2234  
2 the Division of Medical Quality may take action against any  
3 licensee who is charged with unprofessional conduct. Pursuant  
4 to Business and Professions Code section 2305, the revocation,  
5 suspension, or other discipline by another state of a license  
6 or certificate to practice medicine issued by that state, or  
7 the revocation, suspension or restriction of the authority to  
8 practice medicine by any agency of the federal government  
9 constitutes grounds for disciplinary action for unprofessional  
10 conduct against a licensee.

11           4. Respondent has subjected his certificate to  
12 discipline under Business and Professions Code section 2305 for  
13 unprofessional conduct in that on November 28, 1990 the New York  
14 Board for Professional Medical Conduct issued an order revoking  
15 respondent's license to practice medicine in the State of New  
16 York. A copy of that order is attached hereto as Exhibit A and  
17 incorporated herein by reference. The disciplinary action by the  
18 State of New York was based on the following alleged conduct:

19           On or about October 13, 1989 the respondent was  
20 convicted after a plea of guilty in New York Supreme Court to a  
21 sixty-five count indictment for grand larceny in the second  
22 degree, unauthorized practice of a profession, and offering a  
23 false instrument for filing in the first degree.

24           WHEREFORE, complainant prays that a hearing be held and  
25 that the Division of Medical Quality make its order:

26           1. Revoking or suspending certificate number A38777  
27 issued to Merlin Z. Hidalgo, M.D.

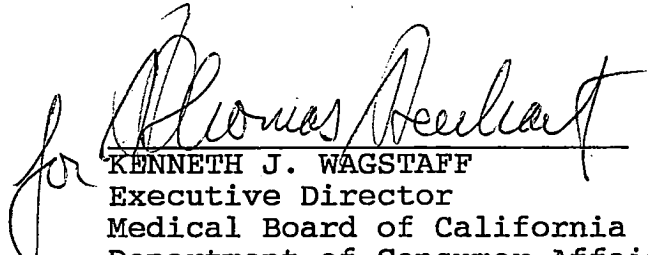
28    ///



1                   2. Prohibiting Merlin Z. Hidalgo, M.D. from  
2 supervising a Physician's Assistant.


3                   3. Taking such other and further action as may be  
4 deemed proper and appropriate.

5  
6 DATED: July 17, 1992

7  
8  
9                   for   
10                   KENNETH J. WAGSTAFF  
11                   Executive Director  
12                   Medical Board of California  
13                   Department of Consumer Affairs  
14                   State of California

15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
  
Complainant

## **EXHIBIT A**

  
Konrad Raup, Assistant Director  
Professional Licensing Services



# The University of the State of New York

IN THE MATTER

OF

MERLIN HIDALGO  
(Physician)

ORIGINAL  
VOTE AND ORDER  
NO. 10996

---

Upon the report of the Regents Review Committee, a copy of which is made a part hereof, the record herein, under Calendar No. 10996, and in accordance with the provisions of Title VIII of the Education Law, it was

VOTED (November 16, 1990): That the record herein be accepted; that the findings of fact and determination as to guilt rendered by the Regents Review Committee in the matter of MERLIN HIDALGO, respondent, be accepted; that respondent is guilty of the charge by a preponderance of the evidence; that the measure of discipline recommended by the Regents Review Committee be modified, and that, based upon a more serious view of respondent's misconduct, respondent's license to practice as a physician in the State of New York be revoked upon the charge of which respondent was found guilty; and that the Commissioner of Education be empowered to execute, for and on behalf of the Board of Regents, all orders necessary to carry out the terms of this vote;

and it is

ORDERED: That, pursuant to the above vote of the Board of Regents, said vote and the provisions thereof are hereby adopted and **SO ORDERED**, and it is further

ORDERED that this order shall take effect as of the date of

MERLIN HIDALGO (10996)

the personal service of this order upon the respondent or five days after mailing by certified mail.

IN WITNESS WHEREOF, I, Thomas Sobol,  
Commissioner of Education of the State of  
New York, for and on behalf of the State  
Education Department and the Board of  
Regents, do hereunto set my hand and affix  
the seal of the State Education Department,  
at the City of Albany, this 28<sup>th</sup> day of  
*November*, 1990.  
*Thomas Sobol*  
Commissioner of Education



# **The University of the State of New York**

IN THE MATTER

of the

Disciplinary Proceeding

against

**MERLIN HIDALGO**

**No. 10996**

who is currently licensed to practice  
as a physician in the State of New York.

---

## **REPORT OF THE REGENTS REVIEW COMMITTEE**

MERLIN HIDALGO, hereinafter referred to as respondent, was given due notice of this proceeding and informed that he could appear and be represented by an attorney.

On August 10, 1990, the scheduled date of our hearing, respondent appeared before us in person and was represented by his attorney, Myron Beldock, Esq. Marcia Kaplan, Esq., represented the New York State Department of Health.

Petitioner's recommendation as to the penalty to be imposed, should respondent be found guilty, was revocation.

Respondent's recommendation as to the penalty to be imposed, should respondent be found guilty, was a 1 year suspension, stayed, with probation.

We have reviewed the record including respondent's July 30, 1990 letter and brief, photographs of the Wyckoff Heights Medical

Center, and August 8, 1990 letter with attachments, in this matter; and our unanimous findings of fact, determination as to guilt, and recommendation as to the penalty to be imposed follow:

FINDINGS OF FACT

1. Respondent was licensed to practice as a physician in this State by the New York State Education Department.
2. Respondent was convicted of committing an act constituting a crime, as set forth in the statement of charges and the record herein.

DETERMINATION AS TO GUILT

The charge, annexed hereto, made a part hereof, and marked as Exhibit "A", has been proven by a preponderance of the evidence and respondent is guilty thereof.

RECOMMENDATION AS TO THE  
PENALTY TO BE IMPOSED

Respondent's license to practice as a physician in the State of New York be revoked upon the charge of which respondent has been found guilty, that execution of said revocation be stayed, and that respondent be placed on probation for eight years as set forth under the terms of probation which are annexed hereto, made a part hereof, and marked as Exhibit "B". Those terms imposed herein require, inter alia, that respondent must comply with the criminal probation imposed upon respondent by Justice Michael L. Pesce that respondent perform 5000 hours of community service by providing medical care to AIDS patients as well as that respondent make

MERLIN HIDALGO (10996)

restitution in the amount of \$500,000. Those terms imposed herein also require, inter alia, that respondent work at all times under the supervision of another physician and that respondent obtain and complete, within the first 18 months of the period of probation herein, training consisting of a course concerning New York State law regarding physician's assistants and other health personnel.

Respectfully submitted,

JORGE L. BATISTA

HERBERT BERNETTE EVANS

GEORGE POSTEL



Chairperson

Dated:

9/20/90



STATE OF NEW YORK : DEPARTMENT OF HEALTH  
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

-----X  
IN THE MATTER : STATEMENT  
OF : OF  
MERLIN HIDALGO, M.D. : CHARGES  
-----X

MERLIN HIDALGO, M.D., the Respondent, was authorized to practice medicine in New York State on 1981 by the issuance of license number 146234 by the New York State Education Department. The Respondent is currently registered with the New York State Education Department to practice medicine for the period January 1, 1989 through December 31, 1991 from 12 Astor Place, Wesley Hills, New York.

SPECIFICATION

HAVING BEEN CONVICTED OF  
AN ACT CONSTITUTING A CRIME  
UNDER NEW YORK STATE LAW

Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law Sec. 6509(5)(a)(i) (McKinney 1985)

in that he has been found guilty of committing an act constituting a crime under New York State law, specifically:

On or about October 13, 1989, the Respondent was convicted after a plea of guilty in the Supreme Court of the State of New York, County of New York, of:

(1) Grand Larceny in the Second Degree, a felony, in violation of Section 155.40 of the Penal Law, in that from on or about December 26, 1984 to on or about May 1, 1988, the Respondent stole from New York State and certain of its fiscal agents, McAuto Systems Group, Inc. and Computer Sciences Corporation, by submitting numerous Medicaid claim forms which he knew contained false statements of consultations, medical care, services and supplies provided to Medicaid patients, in reliance upon which he was paid inappropriately in excess of \$700,000.


(2) Unauthorized Practice of a Profession, a felony, in violation of Section 6512 of the Education Law, in that from on or about November 1, 1985 to on or about May 2, 1988, Respondent knowingly aided and abetted three and more unlicensed persons to practice medicine and employed and held out these unlicensed persons as being able to practice medicine.

(3)-(65) Offering A False Instrument for Filing in the First Degree, 63 separate felony counts, in violation of Section 175.35 of the Penal Law, in that from on or about and between December 27, 1984 and March 21, 1988, the Respondent submitted Medicaid claim forms to the State of New York and its fiscal agents, Computer Sciences Corporation and/or McAuto Systems Group, which forms Respondent knew would become part of the records of the State of New York and its agents, and which the Respondent knew

contained false statements and false information in that it was claimed on these forms that specialty consultations or certain medical care, services and supplies had been furnished to 46 medicaid patients, which medical care, services and supplies Respondent knew had not been provided.

On or about February 21, 1990, the Respondent was sentenced to five years probation on each count, to run concurrently, conditioned upon restitution of \$500,000 to be paid within one year and community service on weekends at a clinic that deals with AIDS patients, and \$100 penalty assessment.

DATED: NEW YORK, NEW YORK  
May 30, 1990

A handwritten signature in black ink, appearing to read "CL 82 H", is written over a horizontal line.

CHRIS STERN HYMAN  
Counsel  
Bureau of Professional  
Medical Conduct

EXHIBIT "B"

TERMS OF PROBATION  
OF THE REGENTS REVIEW COMMITTEE

MERLIN HIDALGO

CALENDAR NO. 10996

1. That respondent shall make quarterly visits to an employee of and selected by the Office of Professional Medical Conduct of the New York State Department of Health, unless said employee agrees otherwise as to said visits, for the purpose of determining whether respondent is in compliance with the following:
  - a. That respondent, during the period of probation, shall act in all ways in a manner befitting respondent's professional status, and shall conform fully to the moral and professional standards of conduct imposed by law and by respondent's profession;
  - b. That respondent shall submit written notification to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, Empire State Plaza, Albany, NY 12234 of any employment and/or practice, respondent's residence, telephone number, or mailing address, and of any change in respondent's employment, practice, residence, telephone number, or mailing address within or without the State of New York;
  - c. That respondent shall comply with the sentence and each and every term of probation imposed by the criminal court in the underlying criminal proceeding in Kings County, that respondent shall submit written proof from that Department of Probation demonstrating to the satisfaction of the New York State Department of Health, Office of Professional Medical Conduct, that respondent has, in accordance with said sentence, probation, and Department of Probation direction, made restitution in the amount of \$500,000 and has successfully completed the 5,000 hours of community service imposed upon respondent by said criminal court sentence and probation, said proof to be forwarded to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, as aforesaid.

The June 1, 1990 Certificate of Disposition along with the August 3, 1990 letter of Justice Michael L. Pesce, relative to the foregoing provisions of this term of probation herein, are set forth in the exhibit annexed hereto, made a part hereof, and marked as Exhibit "C";

- d. That respondent shall only practice as a physician in a supervised setting, at respondent's expense, under the supervision of a physician licensed by the State of New York, said supervising physician to be selected by respondent and previously approved, in writing, by the Director of the Office of Professional Medical Conduct who shall submit written quarterly reports to said Director regarding said supervision;
- e. That respondent shall, at respondent's expense, obtain, by enrolling in and diligently pursuing a course concerning New York State law regarding physician's assistants and other health personnel, said course to be selected by respondent and previously approved, in writing, by the Director of the Office of Professional Medical Conduct; said course to be completed within the first 18 months of the period of probation herein, such completion to be verified in writing and said verification to be submitted to the Director of the Office of Professional Medical Conduct within 30 days after such completion;
- f. That respondent shall submit written proof from the Division of Professional Licensing Services (DPLS), New York State Education Department (NYSED), that respondent has paid all registration fees due and owing to the NYSED and respondent shall cooperate with and submit whatever papers are requested by DPLS in regard to said registration fees, said proof from DPLS to be submitted by respondent to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, no later than the first three months of the period of probation; and
- g. That respondent shall submit written proof to

the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, that 1) respondent is currently registered with the NYSED, unless respondent submits written proof to the New York State Department of Health, that respondent has advised DPLS, NYSED, that respondent is not engaging in the practice of respondent's profession in the State of New York and does not desire to register, and that 2) respondent has paid any fines which may have previously been imposed upon respondent by the Board of Regents; said proof of the above to be submitted no later than the first two months of the period of probation;

2. If the Director of the Office of Professional Medical Conduct determines that respondent may have violated probation, the Department of Health may initiate a violation of probation proceeding and/or such other proceedings pursuant to the Public Health Law, Education Law, and/or Rules of the Board of Regents.

THE PEOPLE OF THE STATE OF  
NEW YORK

against

No 18656

NO FEE

*Merlin Z. Hidalgo*  
8K030398  
8K030399  
Defendant

On Indictment

No. 8283/88

Filed

*August 31*

19 88

*CLARK UNKNY 2*  
*OFFERING FALSE INSTRUMENT FOR FILING*  
*(63 COUNTS)*  
*EDUCATION LAW 6512.1 UNAUTHORIZED*  
*PRACTICE OF PROFESSION*

I DO CERTIFY that it appears from an examination of the Records on file in this office,

That on *October 13* 1989 the defendant was convicted of the crime of

*Offering False Instrument for Filing 1° E Felony (63 counts), Education Law 6512.1 E Felony*  
*and Grand Larceny 2° C Felony*

That on *February 21* 1990 upon the aforesaid conviction by *Chas. J. Smith*  
the Honorable *Michael Rose* then a Justice of this Court, sentenced the defendant to

*the following:*

- Offering False Instrument for Filing 1° (63 counts) Probation 5 years or to each count*
- Education Law 6512.1 (Unauthorized Practice of Profession) Probation 5 years*
- Grand Larceny 2° Probation 5 years County Jail Commitment and \$500,000.00*  
*Restitution (Partially) 1 year) plus \$1000 monthly to pay by 3/23/90*

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this *1* day of

*June* 19 *90*

NO FEE  
FOR OFFICIAL USE

*Wilbur Lewis*

County Clerk and Clerk of the Supreme Court,  
Kings County.

EXHIBIT "C"

Supreme Court  
of the  
State of New York



MICHAEL L. PESCE  
JUSTICE

JUSTICES' CHAMBERS  
360 ADAMS STREET  
BROOKLYN, N.Y. 11201

August 3, 1990

Regents Review Committee  
c/o Beldock Levine & Hoffman  
99 Park Avenue  
New York, NY 10016-1502

Re: Dr. Merlin Hidalgo

To whom it may concern:

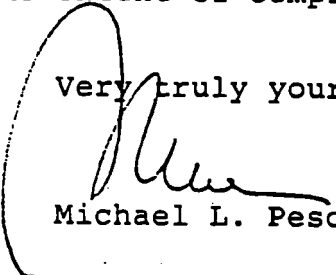
I understand that Dr. Merlin Hidalgo is the subject of licensing proceedings before the Regents Review Committee, and I thought that the committee might wish to hear from me as the sentencing judge.

Dr. Hidalgo pled guilty to a sixty-five count indictment in exchange for a sentence of probation, \$500,000 restitution, and 5,000 hours of community service. It was my intention that he fulfill the community service obligation by providing medical care to AIDS patients.

While I appreciate the seriousness of the offenses Dr. Hidalgo has committed, and while I offer no opinion as to Dr. Hidalgo's professional fitness, I do believe that Dr. Hidalgo's expertise is a valuable resource that should not be lightly cast aside. Perhaps a similar period of probation could be imposed by the committee, if there is concern over supervision.

I recommend that Dr. Hidalgo be permitted to continue to practice medicine, at least to the extent of completing the sentence of community service.

Very truly yours,

  
Michael L. Pesce

MLP:slr